

ASSEMBLY BILL

No. 1803

Introduced by Assembly Member Skinner

February 18, 2014

An act to amend Section 142.7 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1803, as introduced, Skinner. Occupational Safety and Health Standards Board.

Existing law requires the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt an occupational safety and health standard for the state concerning hazardous substance removal work in accordance with prescribed requirements.

This bill would make nonsubstantive changes to those requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 142.7 of the Labor Code is amended to
- 2 read:
- 3 142.7. (a) On or before October 1, 1987, the board shall adopt
- 4 an occupational safety and health standard concerning hazardous
- 5 substance removal work, so as to protect most effectively the health
- 6 and safety of employees. The standard shall include, but not be
- 7 limited to, requirements for all of the following:
- 8 (1) Specific work practices.

1 (2) Certification of all employees engaged in hazardous
2 substance removal-related work, except that no certification shall
3 be required for an employee whose only activity is the
4 transportation of hazardous substances ~~which are~~ subject to the
5 requirement for a certificate under Section 12804.1 of the Vehicle
6 Code.

7 (3) Certification of supervisors with sufficient experience and
8 authority to be responsible for hazardous substance removal work.

9 (4) Designation of a qualified person who shall be responsible
10 for scheduling any air sampling, laboratory calibration of sampling
11 equipment, evaluation of soil or other contaminated materials
12 sampling results, and for conducting any equipment testing and
13 evaluating the results of the tests.

14 (5) Requiring that a safety and health conference be held for all
15 hazardous substance removal jobs before the start of actual work.
16 The conference shall include representatives of the owner or
17 contracting agency, the contractor, the employer, employees, and
18 employee representatives, and shall include a discussion of the
19 employer's safety and health program and the means, methods,
20 devices, processes, practices, conditions, or operations which the
21 employer intends to use in providing a safe and healthy place of
22 employment.

23 (b) For purposes of this section, "hazardous substance removal
24 work" means cleanup work at any of the following:

25 (1) A site where removal or remedial action is taken pursuant
26 to either of the following:

27 (A) Chapter 6.8 (commencing with Section 25300) of Division
28 20 of the Health and Safety Code, regardless of whether the site
29 is listed pursuant to Section 25356 of the Health and Safety Code.

30 (B) The federal Comprehensive Environmental Response,
31 Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et
32 seq.).

33 (2) A site where corrective action is taken pursuant to Section
34 25187 or 25200.10 of the Health and Safety Code or the federal
35 Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec.
36 6901 et seq.).

37 (3) A site where cleanup of a discharge of a hazardous substance
38 is required pursuant to Division 7 (commencing with Section
39 13000) of the Water Code.

1 (4) A site where removal or remedial action is taken because a
2 hazardous substance has been discharged or released in an amount
3 that is reportable pursuant to Section 13271 of the Water Code or
4 the federal Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et
6 seq.). “Hazardous substance removal work” does not include work
7 related to a hazardous substance spill on a highway.

8 (c) Until the occupational safety and health standard required
9 by subdivision (a) is adopted by the board and becomes effective,
10 the occupational safety and health standard concerning hazardous
11 substance removal work shall be the standard adopted by the
12 federal government and codified in Section 1910.120 of Title 29
13 of the Code of Federal Regulations. In addition, before actual work
14 is started on a hazardous substance removal job, a safety and health
15 conference shall be held that shall include the participants and
16 involve a discussion of the subjects described in paragraph (5) of
17 subdivision (a).